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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,711	12/18/2000	Alejandro Wiechers	10001309-1	9476

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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LETT, THOMAS J

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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05/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/745,711	<b>Applicant(s)</b> WIECHERS, ALEJANDRO	
	<b>Examiner</b> Thomas J. Lett	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29,30 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29,30 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 14 March 2007 with respect to claim rejections under 35 U.S.C. § 102(b) have been fully considered but they are not persuasive. Applicant argues that certain elements of claim 29 are not anticipated.

First, Applicant argues Lobiondo fails to teach receiving via a network a print command and user parameters, "the print command and user parameters having been provided using a network browser". Specifically, Lobiondo says nothing of a "network browser" being used to send a print command or user parameters. Examiner responds that Lobiondo's user interface 40 reads on a network browser. User interfaces of workstations are well-known in the art to be GUIs, network/web browsers, numerical key/touch pads, etc. and Lobiondo clearly satisfies the claim element requirement.

Second, Applicant argues Lobiondo fails to teach that the user parameters include "a printer location parameter and an expected print time parameter that reflects the time in which a printer is expected to complete the user's print job". Examiner responds that Lobiondo teaches location criteria, col. 5, lines 34-37 which reads on location parameter and Lobiondo teaches a desired completion time, col. 5, line 29 which reads on expected print time parameter. Applicant is also asked to view col. 1, lines 14-33 for additional Lobiondo disclosure of the claim element.

Third, Applicant argues Lobiondo fails to teach "determining in real-time the availability of the at least one candidate printer". Specifically, Lobiondo states that printer availability is determined from files located in a database that contain availability information. Nowhere does Lobiondo state that the files are updated real-time. Examiner responds that availability would have to be updated in real-time to reflect a printer's availability. It would be useless of Lobiondo to check the availability of printers in a system that does not actively update status information.

Art Unit: 2625

That would severely inhibit any system's ability to give an accurate account of peripheral status. This claim element is anticipated in Lobiondo (see col. 4, lines 22-29) which explains that conventional systems that use humans to manage printer scheduling cannot perform real-time scheduling as thoroughly as the invention of Lobiondo. Therefore, Lobiondo performs real-time scheduling of print jobs. Scheduling (defined) involves inventorying, analyzing, and developing of resource considerations when managing a print job. Scheduling is the process of creating individual orders or time-based schedules that serve as production. Scheduling: (eg, jobs). A schedule for a sequence of jobs, say  $j_1, \dots, j_n$ , is a specification of start times, say  $t_1, \dots, t_n$ , such that certain constraints are met. A schedule is sought that minimizes cost and/or some measure of time, like the overall project completion time (when the last job is finished) or the tardy time (amount by which the completion time exceeds a given deadline.). Applicant feels that Lobiondo teaches away from timing issues by Lobiondo's statement that "the user is not required to enter time constraints" when a designated print location is to be specified. Lobiondo, column 5, lines 15-18. Examiner responds that "not required to enter time constraints" does not mean that a user is prevented from entering time constraints; it just means that the user can choose to not exercise that option. Thus, it is not teaching away.

Fourth, Lobiondo does not teach "determining in real-time whether the user's print job can be completed in the expected print time". Regarding column 4, lines 22-29 of the Lobiondo reference, which were identified by the Examiner, Applicant notes that those lines say nothing about determining whether a print job can be completed in the expected print time. Instead, those lines discuss general concepts such as "optimally scheduling jobs." Examiner responds that Lobiondo teaches feedback (confirmation to the user) is given by the scheduler about the location that is printing the print job as well as an estimated completion time, col. 6, lines 41-49.

Art Unit: 2625

Fifth, Lobiondo does not teach "providing information as to the status of the selected printer and a real-time countdown as to when the print job can be completed by the selected printer". Regarding that limitation, Lobiondo describes nothing that could reasonably be, termed a "real-time countdown" as to when a print job can be completed. Column 4, lines 22-29, 50-52, and 30-34 of the Lobiondo reference, which were identified by the Examiner, are devoid of any such teaching. Applicant requests that the Examiner identify with greater specificity where Lobiondo actually discloses providing information as to the status of the selected printer and a real-time countdown as to when the print job can be completed by the selected printer in those portions of the Lobiondo reference. To satisfy the Applicants request for a better explanation, Examiner responds that Lobiondo teaches feedback (confirmation to the user) is given by the scheduler about the location that is printing the print job as well as an estimated completion time, col. 6, lines 41-49.

2. The rejection of claim 29 under 35 U.S.C. § 112 has been withdrawn as Applicant has clearly pointed to support in the disclosure.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29,30 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Lobiondo (USPN 5,287,194 A).

With respect to claim 29, Lobiondo discloses a printing method comprising:

receiving via a network (network and communication link 20, col. 3, lines 23-27) a print command (desire to print (i.e., complete) a print job, col. 3, lines 51-56) and user parameters

Art Unit: 2625

(print job criteria, col. 3, lines 51-56) that are to be used to select a printer (from plurality of printers 10, col. 3, lines 18-23), the print command and user parameters having been provided using a network browser (workstation 30, col. 3, lines 32-36 which includes user interface 40. When the user submits a print job to the network at step 410, the workstation is considered a network browser. Since the user can interact with the networked printers, Lobiondo's workstation is synonymous with a browser.), the user parameters including a printer location parameter (location criteria, col. 5, lines 34-37) and an expected print time parameter (desired completion time, col. 5, line 29) that reflects the time in which a printer is expected to complete the user's print job;

searching a plurality printers for a printer that satisfies the received user parameters (performed by scheduler 50, col. 3, lines 41-50);

identifying at least one candidate printer that satisfies the received user parameters (col. 4, lines 50-54);

determining in real-time the availability of the at least one candidate printer (see col. 4, lines 22-29 which explains that conventional systems that use humans to manage printer scheduling cannot perform real-time scheduling as thoroughly as the invention of Lobiondo. Therefore, Lobiondo performs real-time scheduling of print jobs. Scheduling defined involves inventorying, analyzing, and developing of resource considerations when managing a print job. Scheduling is the process of creating individual orders or time-based schedules that serve as production. Scheduling: (eg, jobs). A schedule for a sequence of jobs, say  $j_1, \dots, j_n$ , is a specification of start times, say  $t_1, \dots, t_n$ , such that certain constraints are met. A schedule is sought that minimizes cost and/or some measure of time, like the overall project completion time (when the last job is finished) or the tardy time (amount by which the completion time exceeds a given deadline.);

Art Unit: 2625

determining in real-time whether the user's print job can be completed in the expected print time (see col. 4, lines 22-29 which explains that conventional systems that use humans to manage printer scheduling cannot perform real-time scheduling as thoroughly as the invention of Lobiondo. Therefore, Lobiondo performs real-time scheduling of print jobs. Scheduling defined involves inventorying, analyzing, and developing of resource considerations when managing a print job. Scheduling is the process of creating individual orders or time-based schedules that serve as production. Scheduling: (eg, jobs). A schedule for a sequence of jobs, say  $j_1, \dots, j_n$ , is a specification of start times, say  $t_1, \dots, t_n$ , such that certain constraints are met. A schedule is sought that minimizes cost and/or some measure of time, like the overall project completion time (when the last job is finished) or the tardy time (amount by which the completion time exceeds a given deadline.);

selecting a printer from the at least one candidate printer (col. 4, lines 50-54); and providing information as to the status of the selected printer (col. 4, lines 50-52; In addition, feedback (confirmation to the user) is given by the scheduler about the location that is printing the print job, col. 6, lines 41-49) and a real-time countdown (see col. 4, lines 22-29 which explains that conventional systems that use humans to manage printer scheduling cannot perform real-time scheduling as thoroughly as the invention of Lobiondo. Scheduling: (eg, jobs). A schedule for a sequence of jobs, say  $j_1, \dots, j_n$ , is a specification of start times, say  $t_1, \dots, t_n$ , such that certain constraints are met. A schedule is sought that minimizes cost and/or some measure of time, like the overall project completion time (when the last job is finished) or the tardy time (amount by which the completion time exceeds a given deadline.) as to when the print job can be completed by the selected printer (col. 4, lines 30-34);

determining if the user would like to use the selected printer (based on user entered criteria, col. 3, lines 56-63); and

Art Unit: 2625

if the user would like to use the selected printer, forwarding the print command to the selected printer to enable the selected printer to print a document for the user (col. 4, lines 50-54).

With respect to claim 30, Lobiondo discloses a method of claim 29, wherein the selected printer is the physically closest printer to the user (col. 2, lines 46-47).

Regarding claim 41, Lobiondo discloses a method of claim 29, wherein the user parameters further include cost expectations that reflect a range of expenses that the user will pay for the print job (Lobiondo discloses the prior/related art of pricing strategies for cost information to complete print jobs at print facilities, col. 1, lines 14-33).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 8-4:30pm.




Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AU 2625



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